

1 The Hon. Ricardo S. Martinez  
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10 UNITED STATES DISTRICT COURT FOR THE  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE  
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15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 JONSHE L. GILBERT,  
19 Defendant.  
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No. CR20-170-RSM

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1        • Pursuant to the Plea Agreement he entered on January 28, 2022, the  
2              Defendant agreed to forfeit the above-identified property, which is subject  
3              to forfeiture pursuant to 18 U.S.C. § 2253(a). Dkt. No. 25, ¶ 14.

4

5              NOW, THEREFORE, THE COURT ORDERS:

6        1. Pursuant to 18 U.S.C. § 2253(a), and his Plea Agreement, the Defendant's  
7              interest in the above-identified property is fully and finally forfeited, in its entirety, to the  
8              United States;

9        2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will  
10              be final as to the Defendant at the time he is sentenced, it will be made part of the  
11              sentence, and it will be included in the judgment;

12        3. The United States Department of Homeland Security, and/or its authorized  
13              agents or representatives ("HSI"), shall maintain the property in its custody and control  
14              until further order of this Court. HSI shall destroy any images unless they have been  
15              destroyed already or will be retained for official, investigative use, as permitted by  
16              21 U.S.C. §§ 853(i) and 881(e);

17        4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
18              United States shall publish notice of this Preliminary Order and its intent to dispose of the  
19              property as permitted by governing law. The notice shall be posted on an official  
20              government website—[www.forfeiture.gov](http://www.forfeiture.gov)—for at least thirty (30) days. For any person  
21              known to have alleged an interest in the property, the United States shall also, to the  
22              extent possible, provide direct written notice to that person. The notice shall state that  
23              any person, other than the Defendant, who has or claims a legal interest in the above-  
24              identified property must file a petition with the Court within sixty (60) days of the first  
25              day of publication of the notice (which is thirty (30) days from the last day of  
26              publication), or within thirty (30) days of receipt of direct written notice, whichever is  
27              earlier. The notice shall advise all interested persons that the petition:

- 1 a. shall be for a hearing to adjudicate the validity of the petitioner's  
2 alleged interest in the property;
- 3 b. shall be signed by the petitioner under penalty of perjury; and
- 4 c. shall set forth the nature and extent of the petitioner's right, title,  
5 interest in the property, as well as any facts supporting the  
petitioner's claim and the specific relief sought.

6 5. If no third-party petition is filed within the allowable time period, the  
7 United States shall have clear title to the above-identified property, and this Preliminary  
8 Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P.  
9 32.2(c)(2);

10 6. If a third-party petition is filed, upon a showing that discovery is necessary  
11 to resolve factual issues presented by that petition, discovery may be conducted in  
12 accordance with the Federal Rules of Civil Procedure before any hearing on the petition  
13 is held. Following adjudication of any third-party petitions, the Court will enter a Final  
14 Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n),  
15 reflecting that adjudication; and

16 7. The Court will retain jurisdiction for the purpose of enforcing this  
17 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
18 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
19 Fed. R. Crim. P. 32.2(e).

20 IT IS SO ORDERED.  
21

22 DATED this 15<sup>th</sup> day of April, 2022.  
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25   
26 RICARDO S. MARTINEZ  
27 CHIEF UNITED STATES DISTRICT JUDGE  
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1  
2 Presented by:  
3  
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